

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

**PETER DAVID WAGNER,**  
*Plaintiff*

v.

**BBVA BANK,**  
*Defendant*

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**No. A-22-CV-00680-RP**

**ORDER ON *IN FORMA PAUPERIS* STATUS**

Before the Court are Plaintiff Peter David Wagner's Application to Proceed *In Forma Pauperis* and Financial Affidavit in Support and Complaint. *See* Dkts. 1; 2. The Magistrate Court has reviewed Wagner's financial affidavit and determined that he is indigent and should be granted leave to proceed *in forma pauperis*, without prepayment of fees.

Accordingly, the Magistrate Court hereby **ORDERS** Wagner's request to proceed *in forma pauperis*, Dkt. 2, is **GRANTED**. The Clerk of the Court shall file Wagner's complaint without prepayment of fees or costs or giving security therefor pursuant to 28 U.S.C. § 1915(a). This indigent status is granted subject to a later determination the action should be dismissed if the allegation of poverty is untrue or the action is found frivolous or malicious pursuant to 28 U.S.C. § 1915(e). Wagner is further advised, although he has been granted leave to proceed *in forma pauperis*, a court may, in its discretion, impose costs of court at the conclusion of this lawsuit, as in other cases. *See Moore v. McDonald*, 30 F.3d 616, 621 (5th Cir. 1994).

The Magistrate Court **FURTHER ORDERS** that the Clerk of the Court shall issue summons and the United States Marshal is ordered to commence service of process, including service of Wagner's complaint upon the named defendants under Rules 4 and 5 of the Federal Rules of Civil Procedure.

Because Wagner has been granted leave to proceed *in forma pauperis*, the Court is required by standing order to review his Complaint under §1915(e)(2). After reviewing Wagner's Complaint, the Court has determined that this case should not be dismissed as frivolous at this time. However, the Court cautions Wagner that the Court may make a determination in the future that the action should be dismissed because the allegation of poverty is untrue or the action is frivolous or malicious pursuant to 28 U.S.C. § 1915(e). Wagner is further advised once more that, although he has been granted leave to proceed *in forma pauperis*, the Court may, in its discretion, impose costs of court against him at the conclusion of this lawsuit, as in other cases. *See Moore*, 30 F.3d at 621.

The referral of this case to the Magistrate Court should now be canceled.

SIGNED July 22, 2022.



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DUSTIN M. HOWELL  
UNITED STATES MAGISTRATGE JUDGE